



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 24, 2004**

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13-04

DS:ds

The meeting was called to order at 9:34 a.m., with all Members being present, with the exception of Supervisor DuBois and Supervisor Frey, and with Chairman Connolly presiding.

Supervisor DuBois and Supervisor Frey were absent from the entire meeting.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **MOMENT OF SILENCE** (9:34 a.m.)

Chairman Connolly asked everyone to keep in thoughts the family of Dranesville District Supervisor Joan DuBois, whose mother died suddenly and unexpectedly on Friday.

Chairman Connolly announced that Supervisor DuBois would not be attending today's meeting because she will be attending the funeral services in Adams, Massachusetts.

Supervisor Kauffman asked everyone to keep in thoughts the family of Mr. Robert Heittman, who died recently. Mr. Heittman lived in the Lee District.

(NOTE: Later in the meeting, action was taken regarding Supervisor DuBois' mother and the remembrance of Mr. Heittman. See Clerk's Summary Items CL#43 and CL#47.)

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ASHLEY RITZ** (9:36 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova, and on behalf of Supervisor DuBois and himself, moved approval of the Certificate of Recognition presented to Ms. Ashley Ritz for her heroic and courageous deed. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

3. **PROCLAMATION DESIGNATING JUNE 5, 2004, AS “GIRL POWER DAY” IN FAIRFAX COUNTY** (9:41 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate June 5, 2004, as “*Girl Power Day*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

ADDITIONAL BOARD MATTER

4. **ABSENCE OF SULLY DISTRICT SUPERVISOR FREY** (9:47 a.m.)

Chairman Connolly announced that Sully District Supervisor Frey was absent from today's meeting because he is in Cambodia, under the auspices of the International Republican Institute, speaking about how local government services are rendered. Chairman Connolly noted that he made the same trip approximately four years ago.

AGENDA ITEMS

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ALTA NEWMAN** (9:48 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to Ms. Alta Newman for her years of service to the Commission for Women. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **PROCLAMATION TO DESIGNATE JUNE 3-6, 2004, AS "SPRINGFIELD DAYS " IN FAIRFAX COUNTY** (9:54 a.m.)

On behalf of Supervisor McConnell and himself, Supervisor Kauffman moved approval of the Proclamation to designate June 3-6, 2004, as "*Springfield Days*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

7. **PROCLAMATION TO DESIGNATE MAY 22, 2004 AS "JAMES LEE COMMUNITY DAY" IN FAIRFAX COUNTY** (9:59 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate May 22, 2004, as "*James Lee Community Day*" in Fairfax County. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

ADDITIONAL BOARD MATTER

NV:nv

8. **FINAL FISCAL YEAR (FY) 2005 BUDGET ACTIONS** (10:10 a.m.)

- (R) Supervisor Bulova, Chair, Board's Budget Committee, stated that on April 26, 2004, the Board took the unprecedented action of provisionally adopting the real property tax rate because the General Assembly had not yet approved a budget. As a result of the General Assembly's recent passage of a two-year budget for the Commonwealth, the Board will take final action to adopt the FY 2005 real property tax rate. Action today completes the budget process for FY 2005.

Real Property Tax Rate

Supervisor Bulova said that having provided public notice and a public hearing in accordance with Virginia Code Section 58.1-3321 (B), and because it is necessary to set the real property tax rate higher than the lowered tax rate specified in Virginia Code Section 58.1-3321, she moved that the Board set the real property tax rate at \$1.13 per \$100 of assessed value.

As a result of this action, the real property tax rate will be greater than the rate specified by Virginia Code Section 58.1-3321 (A), but the real property tax rate for calendar year 2004 will be reduced by \$0.03 from the present rate of \$1.16 per \$100 of assessed value.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

FY 2005 Tax Rate Resolution

Supervisor Bulova said that having established the real property tax rate at \$1.13 per \$100 of assessed value in accordance with Virginia Code Section 58.1-3321, she moved that the Board:

- Adopt the FY 2005 Tax Rate Resolution Adopting Tax Rates for the County as distributed to the Board.
- Direct the County Executive to prepare a budget for FY 2006 which will allow the Board to reduce the real estate tax rate further, if, as the Board emphasized in the budget guidelines, real estate tax assessments and other revenues increase significantly. In enabling this reduction, the Board will consider all sources of increasing revenue, including State dollars, and will review for reduction the entire County budget.

Supervisor Hyland seconded the motion.

Discussion ensued regarding education funding, additional real estate tax relief, middle school sports, budget guidelines, and the selection of a School Board Superintendent.

Supervisor Bulova clarified that inherent in the motion is an adjustment to the Budget Guidelines.

The question was called on the motion, as clarified, and it carried by a vote of eight, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor Frey being absent.

Reston Incubator Project

Supervisor Bulova noted that during the FY 2005 Budget deliberations, the Board had agreed to consider funding the Reston Incubator Project during the FY 2004 Carryover Review, which would be advertised in August. In the meantime, with the State's adoption of the budget and some additional revenues available, Supervisor Bulova moved that the Board direct the County Executive to provide \$25,000 for the Reston Incubator Project beginning July 1, 2004 (FY 2005), with appropriate funding adjustments to be included in the FY 2004 Carryover Review. Supervisor Hudgins seconded the motion.

A brief discussion ensued regarding tourism funding, with input from Anthony H. Griffin, County Executive.

The question was called on the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

AGENDA ITEMS

PW:pw

9. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:25 a.m.)

(APPTS)
(BACs)

Chairman Connolly noted that since Supervisor DuBois and Supervisor Frey were absent from the meeting, only necessary appointments will be made and that additional appointments will be scheduled for the June 7, 2004, meeting.

AIRPORTS ADVISORY COMMITTEE

Supervisor Bulova moved the appointment of Ms. Beverly Caruso to fill the unexpired term of the late Mr. Frederick Rodgers as the Braddock District Representative to the Airports Advisory Committee. Supervisor Kauffman seconded the motion which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

COMMISSION ON AGING

Supervisor Hyland moved the reappointment of Mr. George Myers as the Mount Vernon District Representative to the Commission on Aging. Supervisor Gross seconded the motion which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Hyland moved the reinstatement of Ms. Barbara Helm as the Mount Vernon District Representative to the Commission on Organ and Tissue Donation and Transplantation. This motion, the second to which was inaudible, carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE

Supervisor Kauffman moved the appointment of Mr. Paul Gagnon as the Lee District Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

COMMISSION ON AGING

Supervisor Hudgins moved the reappointment of Mr. Robert Gehring as the Hunter Mill District Representative to the Commission on Aging. Supervisor McConnell seconded the motion which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

AD HOC COMMITTEES**SOLID WASTE MANAGEMENT PROGRAM TASK FORCE**

Supervisor Gross indicated that when the Board approved the Solid Waste Management Plan on May 10, 2004, it also approved setting up a task force to deal with the residential collections portion of the Plan. Supervisor Gross referred to a proposed charter distributed to the Board which included names and their representation on the task force. The task force will have no more than 15 members appointed by the Board, including representatives from:

- Environmental Quality Advisory Committee (EQAC)
- Chamber of Commerce
- Small Business Commission
- Consumer Protection Commission
- Subscription Customer
- Contract Customer (i.e. Homeowners' Association)
- Sanitary District Customer
- Recycling Market
- Small Solid Waste Collection Company (less than 10 rear-loading packers)
- Medium Solid Waste Collection Company (10 to 50 rear-loading packers)
- Large Solid Waste Collection Company (over 50 rear-loading packers)
- Solid Waste Management Program Staff Representative
- Up to three Community Members Countywide

This task force will be established for a period of one year and would review issues that were outlined at the May 10, 2004, Board meeting. The task force will be directed to deliver a report to the Board by May 10, 2005. There will be no compensation for the members of this task force. The members will serve for a one year term.

Supervisor Gross moved the following appointments to the Solid Waste Management Program Task Force:

- Ms. Sheila Roit as the EQAC Representative
- Mr. William Lecos as the Fairfax County Chamber of Commerce Representative
- Ms. Joyce Bissonette as the Small Business Commission Representative
- Ms. Marilyn Blois as the Consumer Protection Commission Representative
- Ms. Robin Smyers as the Subscription Customer Representative
- Ms. Queenie Cox as the Sanitary District Customer Representative
- Mr. James Langemeier of Capitol Fiber, Incorporated as the Recycling Market Representative
- Mr. John Hasle of Reston Trash Service, Incorporated as the Small Solid Waste Collection Company Representative
- Mr. Conrad Mehan of Potomac Disposal Services of Virginia as the Medium Solid Waste Collection Company Representative
- Mr. Peter Crane of AAA Recycling and Trash as the Large Solid Waste Collection Company Representative
- Ms. Joyce Doughty as the Solid Waste Management Program Staff Representative
- Mr. Clark Tyler as the Community #1 Representative
- Ms. Joan Carr as the Community #2 Representative

Supervisor Hyland and Supervisor Kauffman jointly seconded the motion which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

(NOTE: Later in the meeting, the Board made additional appointments to this task force. See Clerk's Summary Item CL#57 and CL#73.)

DMB:dmb

10. **ADMINISTRATIVE ITEMS** (10:32 a.m.)

Supervisor Gross moved approval of the Administrative Items with the exception of Admin 1 – Extension of Review Period for a 2232 Public Facility Review Application (Braddock District), which was withdrawn by staff. Supervisor Hyland seconded the motion.

Chairman Connolly called the Board's attention to Admin 8 – Authorization to Advertise a Public Hearing on Fall Referendums Authorizing County General Obligation Bonds and discussion ensued with input from Michael Kane, Director, Park Authority, and Leonard P. Wales, County Debt Manager, Department of Management and Budget, regarding Mr. Kane's referendum memorandum to Mr. Wales dated May 13, 2004, indicating the breakdown of the \$50 million to be 80 percent for renovation and new development and 20 percent for land acquisition.

Supervisor Kauffman asked unanimous consent that the Board direct staff to review the public facilities on the proposed Fall 2004 Bond Referendum Project list for possible multiple use and whether tied to joint development revitalization. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor Frey being absent.

ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR A 2232 PUBLIC FACILITY REVIEW APPLICATION (BRADDOCK DISTRICT)

(NOTE: This item was withdrawn by staff.)

ADMIN 2 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05001 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT FEDERAL/STATE PROMOTING SAFE AND STABLE FAMILIES PROGRAM FUNDS (FORMERLY KNOWN AS THE FAMILY PRESERVATION AND FAMILY SUPPORT PROGRAM)

(SAR) Approved SAR AS 05001 for DFS to accept Fiscal Year 2005 Federal/State Promoting Safe and Stable Families funding in the amount of \$471,675. Grant

funding from the Virginia Department of Social Services totals \$424,507, and the remaining \$47,168 is the required local cash match.

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04082 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) TO CONTINUE THE FRAUD FREE PROGRAM

- (SAR) Approved SAR AS 04082 for DFS to accept grant funding in the amount of \$195,140 from VDSS to continue the fraud reduction and elimination efforts through the Fraud FREE Program. No local cash match is required.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State Law, adopting actions of the 2004 General Assembly.

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SULLY HISTORIC OVERLAY DISTRICT (SULLY DISTRICT)

- (R) (A) Adopted the Resolution authorizing the advertisement of public hearings to be held before the Planning Commission on June 24, 2004, and before the Board on **July 26, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), revising the Sully Historic Overlay District to:

- Permit single family attached and multiple family dwelling units.
- Clarify that in residential developments, commercial uses are limited to those uses permitted by right, special permit, special exception, or as either an accessory service use or home occupation use.
- Clarify that all uses permitted by right, special permit, or special exception in the I-4 District are permitted.
- Permit an increase in maximum allowable building height from 35 to 60 feet with a limit on actual building heights pursuant to special exception approval by the Board.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR ROAD IMPROVEMENTS UNDER THE PRIVATE DEVELOPER ASSISTANCE PROGRAM FOR THE ESTATES AT FAIRFAX (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2004, at 4 p.m.** to consider the acquisition of certain land rights necessary for the construction of Estates at Fairfax.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON A PORTION OF WALL ROAD (ROUTE 645) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 12, 2004, at 4 p.m.** to consider the abandonment of a portion of Wall Road.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON FALL REFERENDUMS AUTHORIZING COUNTY GENERAL OBLIGATION BONDS

- (A)
(BONDS) (NOTE: Earlier in the meeting, there was discussion of this item. See page 8.)

Authorized the advertisement of a public hearing to be held before the Board on **June 21, 2004, at 4:30 p.m.** to consider County Bond authorizations on proposed bond referendums for County General Obligation Bond authorizations to be held at the general election on November 2, 2004.

(NOTE: Later in the meeting, there was a brief comment made regarding this item. See Clerk's Summary Item CL#25.)

ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-Y-024, STARWOOD CERUZZI II, LLC (SULLY DISTRICT)

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Amendment Application SEA 95-Y-024, Starwood Ceruzzi II, LLC, to July 7, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

11. **A-1 – ESTABLISHMENT OF THE BARBARA VARON VOLUNTEER AWARD** (10:41 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the establishment of an annual volunteer recognition award to honor the memory of Ms. Barbara Varon. Supervisor Hyland seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion by adding the phrase "and exemplary citizenship." following "Exhibits patriotism," as referenced in the bullet on page 29 of the Board Agenda Item. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

12. **A-2 – AUTHORIZATION OF AVONDALE GLEN REGIONAL POND D-46 PRO RATA SHARE REIMBURSEMENT AGREEMENT (PROVIDENCE DISTRICT)** (10:43 a.m.)

On motion of Supervisor Smyth, seconded by Supervisor Gross, and carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent, the Board concurred in the recommendation of staff and authorized the execution of an agreement to reimburse Centex Homes, from pro rata share collections (Fund 316), for the engineering, design, and construction of the Avondale Glen Regional Stormwater Management Pond within the Avondale Glen Phase II development.

13. **A-3 – APPROVAL OF FINANCING PLAN FOR THE CONSTRUCTION OF THE SOUTHGATE NEIGHBORHOOD COMMUNITY CENTER (HUNTER MILL DISTRICT)** (10:43 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent, the Board concurred in the recommendation of staff and approved the financing plan for the construction of the Southgate Neighborhood Community Center.

14. **A-4 – APPROVAL OF SHENANDOAH AND POTOMAC TRIBUTARY STRATEGY COMMENTS** (10:44 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and endorse the draft comments previously submitted and attached to the cover letter as the official County comments to be forwarded to the Department of Conservation and Recreation with an amendment to replace the second paragraph on handwritten page 1, Attachment 1, of the Board Agenda Item, which endorses County Executive Anthony H. Griffin's letter to the Department of Conservation and Recreation, with

- "As mentioned in Mr. Griffin's letter, the Board is concerned about the uncertainties of the magnitude and reasonableness of loadings to be allocated to Fairfax County and are disappointed that the Draft Tributary Strategies do not provide clearer guidance for all localities, not just for Fairfax County. Inasmuch as most of the

County's efforts to implement needed measures will have to come from redevelopment and retrofitting efforts that are more expensive to implement, the Board is also very concerned about the apparent lack of state or federal funding for this effort. While the Board supports the goals contained in the Chesapeake 2000 agreements, the time frame for meeting those goals has been compressed drastically, and implementation of the Tributary Strategies must not be unduly reliant on local government resources."

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

15. **A-5 – APPROVAL OF THE 2004 WEST NILE VIRUS PROGRAM COMPREHENSIVE PREVENTION PLAN** (10:46 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and direct staff to take the actions outlined in the Board Agenda Item dated May 24, 2004, concerning the County's 2004 West Nile Virus Management Program. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

Supervisor Kauffman asked unanimous consent that, if the West Nile Virus outbreak does not prove to be as significant as expected, the Board direct staff to pull back on some of the expenditures as needed. Without objection, it was so ordered.

16. **C-1 – APPROVAL OF PROPOSED REVISIONS TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY BOARD OF SUPERVISORS AND THE RESTON COMMUNITY CENTER (RCC) BOARD OF GOVERNORS** (10:47 a.m.)

The Board next considered an item contained in the Board Agenda dated May 24, 2004, requesting approval of proposed revisions to the MOU between the Board and the RCC Board of Governors.

Supervisor Hudgins moved approval of the MOU between the Board and the RCC Board of Governors. Supervisor Hyland seconded the motion.

Supervisor Hudgins asked to amend the motion to change the last bullet on page 40 of the Board Agenda Item regarding the first sentence ending "...new mail-out process." and added the terminology "...RCC should retain its current process for its preference polling." This was accepted.

Discussion ensued with input from Dennis Kerns, Director, RCC, regarding the voter eligibility process and ballot voting.

The question was called on the motion, as amended, and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

17. **C-2 – NATIONAL ASSOCIATION OF COUNTIES' (NACO) ANNUAL CONFERENCE** (10:55 a.m.)

The Board next considered an item contained in the Board Agenda dated May 24, 2004, regarding designation of a voting and alternate delegate to represent the County at the NACo Annual Conference.

Supervisor Kauffman moved that the Board designate the following delegates for NACo:

- Supervisor Hyland as the voting delegate.
- Supervisor Gross as the alternate voting delegate.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

18. **I-1 – CONTRACT AWARD – CONSULTING SERVICES: TRAVEL DEMAND FORECASTING AND TRANSPORTATION PLAN UPDATE** (10:56 a.m.)

The Board next considered an item contained in the Board Agenda dated May 24, 2004, requesting authorization for staff to award a contract to Cambridge Systematics in the amount of \$350,000 for consulting services for travel demand forecasting and transportation plan update.

The staff was directed administratively to proceed as proposed.

(NOTE: Later in the meeting, there was a brief comment made regarding this item. See Clerk's Summary Item CL#24.)

19. **I-2 – CONTRACT AWARD – CLIFTON ROAD (SPRINGFIELD AND SULLY DISTRICTS)** (10:56 a.m.)

The Board next considered an item contained in the Board Agenda dated May 24, 2004, requesting authorization for staff to:

- Award a contract to Tessa Construction and Tech Company, LLC in the amount of \$2,224,490 for the construction of Clifton Road Improvement, Project 008802, in Fund 301, Contributed Roadway Improvement Fund.

- Reallocate funds in the amount of \$350,000 to Project 007700, Fairfax Center Reserve.

The staff was directed administratively to proceed as proposed.

20. **I-3 – CONTRACT AWARD – CRITICAL MAINTENANCE IMPROVEMENTS AT R.E. LEE RECenter (LEE DISTRICT) (10:56 a.m.)**

The Board next considered an item contained in the Board Agenda dated May 24, 2004, requesting authorization for staff to award a contract to Creative Finishes, Incorporated, in the amount of \$348,000 for the construction of critical maintenance improvements at R.E. Lee RECenter.

The staff was directed administratively to proceed as proposed.

21. **I-4 – CONTRACT AWARD – GRIST MILL PARK ATHLETIC FIELD RENOVATIONS (MOUNT VERNON DISTRICT) (10:56 a.m.)**

The Board next considered an item contained in the Board Agenda dated May 24, 2003, requesting authorization for staff to award a contract to EMSI Engineering Incorporated, in the amount of \$721,066 for the construction of Grist Mill Park Athletic Field Renovations.

The staff was directed administratively to proceed as proposed.

22. **I-5 – CONTRACT AWARD – WATERSHED COMMUNITY NEEDS ASSESSMENT AND FUNDING OPTIONS (10:57 a.m.)**

The Board next considered an item contained in the Board Agenda dated May 24, 2004, requesting authorization for staff to award a contract to AMEC Earth and Environmental, Incorporated, in the amount of \$321,000 for consulting engineering services for the Watershed Community Needs Assessment and Funding analysis project.

The staff was directed administratively to proceed as proposed.

23. **I-6 – PLANNING COMMISSION ACTION ON APPLICATION 2232-S04-4, FAIRFAX COUNTY PARK AUTHORITY (SPRINGFIELD DISTRICT) (10:57 a.m.)**

The Board next considered an item contained in the Board Agenda dated May 24, 2004, announcing the Planning Commission's approval of Public Facilities Review Application 2232-S04-4, Fairfax County Park Authority.

A brief discussion ensued.

24. **I-1 – CONTRACT AWARD – CONSULTING SERVICES: TRAVEL DEMAND FORECASTING AND TRANSPORTATION PLAN UPDATE** (10:57 a.m.)

Supervisor Smyth made a brief comment regarding this item.

25. **ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON FALL REFERENDUMS AUTHORIZING COUNTY GENERAL OBLIGATION BONDS** (10:57 a.m.)

Supervisor Kauffman made a brief comment regarding this item.

ADDITIONAL BOARD MATTERS

NV:nv

26. **DIRECT CARE WORKERS' WEEK** (10:58 a.m.)

Chairman Connolly noted that direct care workers collaborate closely with other health care providers to provide quality care to all citizens. He relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board:

- Proclaim June 10-17, 2004, as '*Direct Care Workers' Week*' in Fairfax County.
- Direct staff to invite the appropriate representatives from the profession to be presented with the proclamation at the June 7, 2004, Board meeting.

Without objection, it was so ordered.

27. **FEDERAL FUNDING TO FIGHT GANG VIOLENCE** (10:59 a.m.)

Chairman Connolly reminded the Board that US Representative Frank Wolf (R-10) was at the Government Center last week to announce \$500,000 in new federal funding to address gang violence in Northern Virginia. The money will be divided between the Tenth District Gang Task Force and the Northwest Virginia Regional Drug Task Force. The Tenth District Gang Task Force is composed of law enforcement officials from various jurisdictions, including the County.

Chairman Connolly said that he met with Congressman Wolf and stressed how important collaboration is on this issue. Chairman Connolly expressed appreciation to Congressman Wolf for his valuable role in helping localities to address this serious problem.

Following a brief discussion, Supervisor Gross announced that the Metropolitan Washington Council of Governments is planning a regional "Gang Summit" on September 29, 2004, in Crystal City.

28. **INTENT TO DEFER PUBLIC HEARING** (11:02 a.m.)

Chairman Connolly announced the Board's intent to defer the 3:30 p.m. public hearing on proposed amendments to the Zoning Ordinance, Subdivision Ordinance, and Public Facilities Manual, regarding cluster subdivisions until June 7, 2004, at 3:30 p.m.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#67.)

29. **50 YEARS OF SERVICE FOR THE GEORGE WASHINGTON LODGE NUMBER 2038 (MASON DISTRICT)** (11:03 a.m.)

Supervisor Gross announced that on June 11, 2004, the George Washington Lodge Number 2038 of the Sons of Italy in America will celebrate its fiftieth anniversary with a gala dinner at the Fairview Park Marriott. In recognition of the lodge's 50 years of service to its members and to the County, she asked unanimous consent that the Board direct staff to prepare an appropriate certificate of recognition for presentation at the June 11 dinner. Without objection, it was so ordered.

30. **DEBRIS FROM TREE TRIMMING IN UTILITY RIGHTS-OF-WAY** (11:03 a.m.)

Supervisor Gross stated that she recently became aware of some problems with the trimming of trees in utility rights-of-way that is adversely affecting residents who live in sanitary service districts. She said that Verizon contractors are trimming trees and shrubs and then leaving the debris at the curb for pick up by the County. She noted that neighbors are upset that they are stuck with debris that they did not generate and for which neither they nor the County is responsible.

Supervisor Gross said that she and her constituents believe that utilities should be responsible for pick up and clean up of the debris they generate. Accordingly, she asked unanimous consent that the Board refer this issue to the County Executive and County Attorney for review and resolution. Without objection, it was so ordered.

31. **SPOTLIGHT BY STARLIGHT (MASON DISTRICT)** (11:04 a.m.)

Supervisor Gross announced that the brochure for Spotlight by Starlight just became available. It provides the schedule for summer concert series at Mason

District Park presented three times a week. Concerts begin Wednesday, June 2 at 7:30 p.m. and continue every Wednesday, Friday, and Sunday throughout the summer. Children's programs at 10 a.m. on Saturday will begin June 12.

32. **PILOT PROGRAM FOR ESTABLISHMENT OF A PEDESTRIAN SAFETY BOARD IN THE LEE AND MOUNT VERNON DISTRICTS**
(11:05 a.m.)

(BACs) Supervisor Hyland announced that Frank Cohn, Chairman of the Transportation Committee of the Mount Vernon Council of Citizens' Associations, attended a Walkable Community Workshop. During the workshop, Mr. Cohn decided that many of the techniques and concepts presented at the workshop could be valuable in making recommendations to County and State transportation agencies to increase the safety of the community, especially along the Route One Corridor where pedestrian safety has been at issue recently.

Jointly with Supervisor Kauffman, Supervisor Hyland moved that the Board form a pilot program to explore the feasibility and efficacy of a Pedestrian Safety Board to study issues within the Lee and Mount Vernon Districts and report any findings to the Board for final presentation to the County's Department of Transportation (DOT) and the Virginia Department of Transportation (VDOT). Each Supervisor (Hyland and Kauffman) would appoint three individuals to this board and consultants from DOT and VDOT would be invited to the meetings for their technical expertise. An additional member would be jointly appointed by the two Supervisors for a total of seven individuals. The new board would be empowered to select its own chair from the members. Supervisor Kauffman seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to designate the seventh member as appointed by the Chairman, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following discussion, Supervisor Gross asked to amend the motion to create a Countywide Pedestrian Safety Board, and this was accepted.

Following discussion, Supervisor Gross withdrew her amendment to the motion, and this was accepted.

The question was called on the motion, as amended (by Chairman Connolly), and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

33. **BLUE STAR MEMORIAL HIGHWAY (LEE AND MOUNT VERNON DISTRICTS)** (11:09 a.m.)

Supervisor Hyland stated that a section of Richmond Highway near the Pence Gate at Fort Belvoir is designated as Blue Star Memorial Highway to honor past, present, and future servicemen and women. He said that one of his constituents asked him to inquire into the possibility of locating another Blue Star marker further north on Richmond Highway, where the designation may be seen by a greater number of Mount Vernon and Lee District residents, respectively. In effect, he was asking that Richmond Highway from the City of Alexandria line down to the Prince William County line be considered for this designation.

Accordingly, Supervisor Hyland, jointly with Supervisor Kauffman, moved that the Board direct staff to investigate this situation by making appropriate inquiries of the County's Department of Transportation, the Virginia Department of Transportation, the National Council of State Garden Clubs, and other organizations that may be involved in designating portions of highways or providing markers to identify Blue Star Memorial Highways and consider moving the boundaries of the present designation to include all of Route One from the City of Alexandria to Prince William County. Chairman Connolly seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

34. **SPECIAL EXCEPTION APPLICATION SE 01-V-005 (MOUNT VERNON DISTRICT)** (11:10 a.m.)

Supervisor Hyland said that because of an ownership issue regarding a special exception application on three lots on Candlewood Drive in the Sherwood Hall subdivision, staff asked him to make a motion to schedule the public hearing.

Accordingly, Supervisor Hyland moved that the Board direct staff to schedule the public hearing for Special Exception Application SE 01-V-005 to be held before the Board on the July 26, 2004. Supervisor Hudgins seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

35. **STRAWBERRIES FROM SUPERVISOR HYLAND** (11:11 a.m.)

Supervisor Hyland announced that he had strawberries to share with Board Members. He harvested them from his garden on the Eastern Shore.

DS:ds

36. **ARTICLE FROM VIRGINIA TOWN AND CITY** (11:11 a.m.)

Supervisor Bulova distributed to Board Members an article from the May 2004 issue of the *Virginia Town and City* magazine regarding housing. She said the article noted that in November 2003, Norfolk's Department of Planning and

Community Development published *A Pattern Book for Norfolk Neighborhoods*. The book was developed and printed in an effort to help Norfolk homeowners, builders, and communities as they repair, rebuild, and expand their houses and preserve their neighborhoods. The book gives instructions on a broad variety of topics, such as remodeling a front door, adding a wing or other addition, garage construction, building a new house, or even building a whole new housing development. Users of the book are able to easily find the appropriate patterns to help them design and build in ways consistent with the city's architecture and are compatible with the neighborhood's character. The book also shows how to take a house without a lot of style and make it look more like a traditional Norfolk house.

Supervisor Bulova asked unanimous consent that the Board direct staff to forward this article to the:

- Revitalization Committee
- Department of Housing and Community Development
- Department of Planning and Zoning

Without objection, the request was so ordered.

37. **BRADDOCK NIGHTS** (11:14 a.m.)

Supervisor Bulova announced that the Braddock Nights Program will begin its Friday night concerts on June 4, 2004, and will run throughout the summer in Lake Accotink Park and Royal Lake Park. She noted that this is the tenth anniversary of Braddock Nights.

38. **JAMESTOWN 2007 COMMUNITY PROGRAMS** (11:14 a.m.)

Supervisor Hudgins said that several County communities have formed Jamestown 2007 community programs, in particular the towns of Vienna and Herndon, as well as the McLean and Great Falls area. She said that as the organizations plan the celebrations for 2007, it would be beneficial if the Board of Celebrate Fairfax, Incorporated considered supporting the community efforts by using Jamestown 2007 as a theme.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to forward the request to Celebrate Fairfax to examine the opportunity for coordinated celebratory events. Without objection, it was so ordered.

39. **CLYDE'S STRAWBERRY FESTIVAL (HUNTER MILL DISTRICT)**
(11:15 a.m.)

Supervisor Hudgins said that on May 7 and 8, 2004, hundreds of people enjoyed Clyde's Strawberry Festival under the Pavilion at Reston Town Center. The event was hosted by Clyde's Restaurant Group, which donated 100 percent of proceeds, \$40,000, to benefit the construction of Nature House, a year-round educational building located at Walker Nature Education Center in Reston. Non-stop entertainment was featured throughout the festival, including live bluegrass and country music, hands-on daytime activities for kids, live animal shows, and lots of fun and strawberry food.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the organizers of the Clyde's Strawberry Festival to appear before the Board to be thanked and recognized for their hard work in organizing such a worthwhile event to benefit the construction of Nature House at the Walker Nature Education Center. Without objection, it was so ordered.

40. **UPDATE ON FUNDING FOR MR GRADUATES** (11:16 a.m.)

Supervisor Hudgins stated that Verdiana Haywood, Deputy County Executive, had some updated information regarding funding for the MR Graduates Program.

Mr. Haywood said that preliminary information indicated that the County would be receiving 27 waiver slots for the next fiscal year. He announced that the updated information, which staff received late Friday afternoon from the State regarding the Medicaid Waiver Program, was that there would be 50 slots, allowing for inclusion of all the MR graduates. He said that additional information would be provided at the next Board meeting.

41. **ROTARY CLUB** (11:19 a.m.)

On behalf of Supervisor DuBois, Supervisor Hudgins announced that the Herndon Rotary Club will be celebrating its sixty-fifth year of service to the greater Herndon community on June 3, 2004. Rotary is an organization of business and professional leaders united worldwide who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. The Rotary motto is *Service Above Self*.

Over the past 65 years, the Herndon Rotary Club has been active in the community, performing numerous service projects including Spring Branch clean up, marshalling for Herndon Festival, assisting the Embury Rucker Shelter, working with Herndon High School students in the Interact Club, and sponsoring many programs in the Herndon community.

Therefore, on behalf of Supervisor DuBois and herself, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a certificate of recognition to be presented at the event. Without objection, it was so ordered.

42. **INTRODUCTION OF INTERN, MS. KIRAN ADAMS (HUNTER MILL DISTRICT)** (11:20 a.m.)

Supervisor Hudgins introduced Ms. Kiran Adams, who will be interning in her office for the summer. Ms. Adams is a senior at the University of Pittsburgh, studying Urban Planning.

PMH:pmh

43. **RESOLUTION REGARDING THE NAMING OF THE NEW OVERPASS WITH THE "MIXING BOWL" (LEE DISTRICT)** (11:21 a.m.)

(R) (NOTE: Earlier in the meeting, Supervisor Kauffman announced the death of Mr. Robert Heittman. See Clerk's Summary Item CL#_.)

Supervisor Kauffman moved adoption of the Resolution regarding the naming of the B610 overpass with the "Mixing Bowl" project linking the inner loop of the Beltway to Interstate 95 South in honor and memory of Mr. Robert J. (Bob) Heittman. Chairman Connolly seconded the motion.

Following a brief discussion, the question was called on the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth voting "AYE," Supervisor DuBois and Supervisor Frey being absent.

44. **OUT-OF-TURN PLAN AMENDMENT (LEE DISTRICT)** (11:23 a.m.)

Jointly with Supervisor Hyland, Supervisor Kauffman said that the Army, the Virginia Department of Transportation, and the County are working together to construct the last segment of the Fairfax County Parkway that goes through the Fort Belvoir Engineer Proving Ground (EPG). The alignment of the Parkway will result in a small portion of the EPG being located between the new roadway and the I-95 Industrial Area. There is currently no Comprehensive Plan guidance that addresses the relationship between this portion of the EPG and the existing and planned industrial uses in this area. It may be appropriate for any future use of this land to be considered in conjunction with the adjoining industrially-zoned land.

Therefore, Supervisor Kauffman moved that the Board authorize an Out-of-Turn Plan amendment for the portion of the EPG located south of the Fairfax County Parkway alignment adjacent to the I-95 Corridor Industrial Area. This proposed Plan amendment should consider the types of industrial uses and intensities that are appropriate for this area. Issues of land consolidation and access should also

be addressed. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

45. **REQUEST FOR CERTIFICATE OF RECOGNITION (LEE DISTRICT)**
(11:25 a.m.)

Supervisor Kauffman said that this summer, long-time residents of Burgundy Village in the Lee District, Liz and Bill Faria will be leaving the area. The Faria's have a long history of service to the community.

Supervisor Kauffman asked unanimous consent that the Board direct the Office of Public Affairs to invite Mr. and Mrs. Faria to appear before the Board at a future meeting for formal recognition and that a certificate be prepared to present to Mr. and Mrs. Faria. Without objection, it was so ordered.

46. **PROFESSIONAL MANAGER OF THE YEAR IN PUBLIC FLEET**
(11:26 a.m.)

Supervisor Kauffman noted that James Gorby, Director of the Department of Vehicle Services, has been selected by the American Public Works Association to receive the Professional Manager of the Year in Public Fleet Award.

47. **APPROPRIATE ARRANGEMENTS REGARDING THE DEATH OF SUPERVISOR DUBOIS' MOTHER (DRANESVILLE DISTRICT)**
(11:26 a.m.)

(NOTE: Earlier in the meeting, Chairman Connolly announced the death of Supervisor DuBois' mother. See Clerk's Summary Item CL#1.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Clerk to the Board to send an appropriate arrangement on behalf of the Board and make appropriate collections from Board Members. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

48. **MATHCOUNTS COMPETITION (DRANESVILLE DISTRICT)**
(11:26 a.m.)

On behalf of Supervisor DuBois, Supervisor Smyth said that the National MathCounts Competition was held May 6 - 9, 2004, in Washington DC. Of the 57 teams, Virginia teams placed fifth. Haitao Mao and Alisha Seam, from Longfellow Middle School, Jae-Kyu Lee (formerly from Longfellow), and Jack Wang from Frost Middle School, ably represented the Commonwealth of Virginia.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff

to invite the members of the MathCounts team and their coach Barbara Burnett to appear before the Board on June 7, 2004, to congratulate and to recognize their significant accomplishments. Without objection, it was so ordered.

49. **MCLEAN COMMUNITY CENTER (DRANESVILLE)** (11:28 a.m.)

(APPTS) On behalf of Supervisor DuBois, Supervisor Smyth announced that the McLean Community Center held an election to select members of the Governing Board.

Therefore, Supervisor Smyth moved the confirmation of the following appointments to the McLean Community Center Governing Board:

- Ms. Edwina Rogers - Adult - three year term
- Ms. Patricia Velandar - Adult - three year term
- Ms. Holly Clement - Adult - three year term
- Mr. Eddie Eitches - Adult - two year term (to fill the unexpired term of Ms. Teresa Rodriguez)
- Ms. Emily Newman - Youth - one year team - Langley High School area
- Ms. Esabel Khoury - Youth - one year term - McLean High School area

Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

50. **HERNDON TOWN FESTIVAL (DRANESVILLE DISTRICT)** (11:29 a.m.)

On behalf of Supervisor DuBois, Supervisor Smyth said that the Town of Herndon is holding the twenty-fourth Annual Herndon Festival from Thursday, June 3 thru Sunday June 6. The Herndon Festival is a wonderful event for families and citizens from all over the County. There are entertainment acts, Children's Hands on Art, food vendors, carnival rides, crafters, and a Business Expo run by the Herndon Dulles Chamber of Commerce.

Supervisor Smyth invited Board Members to the Herndon Festival and asked unanimous consent that the Board direct the Office of Public Affairs provide information about this event on the County website. Without objection, it was so ordered.

51. **WILDLIFE RESCUE LEAGUE** (11:30 a.m.)

Supervisor McConnell said that the Wildlife Rescue League (WRL) is a non-profit 501(c)3 organization headquartered in Northern Virginia since 1984. The organization's purpose is to prevent and resolve wildlife issues. To accomplish this mission, the WRL maintains a seven day per week wildlife assistance hotline the public can call to report injured, sick, or orphaned animals or to seek advice regarding perceived "nuisance" wildlife problems.

Supervisor McConnell said that in 1999 WRL received 8,876 calls, whereas the number increased to 19,236 calls in 2003, of which 75 percent were from Fairfax County residents. Each call answered and each animal cared for by the WRL is a savings for the citizens of the County, the Animal Shelter and Animal Control.

The cost to maintain the hotline, even with volunteers, has increased from \$11,993 in 1999 to over \$12,684 in 2003. Unfortunately, WRL has experienced a decrease in its donations as it continues to provide this service.

Therefore, Supervisor McConnell asked unanimous consent that the Board direct staff to explore the possibility of providing some level of yearly funding to the WRL so that it can continue this vital service. Without objection, it was so ordered.

52. **SCHOOLS BUDGET UPDATE** (11:32 a.m.)

Anthony H. Griffin, County Executive, briefed the Board on the Schools Finance and Budget work session held on May 20, 2004.

53. **RECESS/CLOSED SESSION** (11:35 a.m.)

At 11:35 a.m., Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters

requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).

1. Application of Qwest Communications Corporation of Virginia, Case No. PST-2003-00069 (Virginia State Corporation Commission) (Countywide)
2. *Courtyard Management Corporation, et al. v. Board of Supervisors of Fairfax County, et al.*, In Chancery No. 185405 (Fx. Co. Cir. Ct.) (Providence District)
3. *Van Metre Development, Inc. v. The Board of Supervisors for the County of Fairfax, Virginia, and the County of Fairfax, Virginia*, In Chancery No. 187643 (Mount Vernon District)
4. *Calvert Homes, Inc. v. Verizon Virginia Inc. and The Board of Supervisors of Fairfax County*, In Chancery No. 189649 (Fx. Co. Cir. Ct.) (Mount Vernon District)
5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ruby V. Fast and Garde Morris O. Johnson*, In Chancery No. 148675 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. *William E. Shoup, Fairfax County Zoning Administrator v. Susan C. Beck, Louis Kobus, Jr., and Village Turf, Inc.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Emma C. Whitney, Duane Whitney, Edward Whitney, and Leslie Whitney*, In Chancery No. 152580 (Fx. Co. Cir. Ct.) (Providence District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Robert Purdy, Jr.*, In Chancery No. 187208 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Luis A. Rosas*, In Chancery

No. 189605 (Fx. Co. Cir. Ct.) (Braddock District)

10. *William E. Shoup, Fairfax County Zoning Administrator v. Stanley P. Dull*, In Chancery No. 189743 (Fx. Co. Cir. Ct.) (Springfield District)

11. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph F. Heath and Robert P. Mollenberg*, In Chancery No. 189861 (Fx. Co. Cir. Ct.) (Mount Vernon District)

12. *Board of Supervisors v. Levin Fairfax L.P., et al.*, At Law No. 222946 (Fx. Co. Cir. Ct.)

And in addition:

- The Williamsburg Commons Developer Default, Plan Number 7758-SD-02
- Amendment to Chapter 804.1 of the Virginia Statewide Fire Prevention Code
- Virginia Code 15.2-2023 expenditure of general revenues to repair public roads

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

DT:dt

At 3:01 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

54. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:01 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor

Smyth, and Chairman Connolly voting "AYE, Supervisor DuBois and Supervisor Frey being absent.

55. **WILLIAMSBURG COMMONS** (3:02 p.m.)

Supervisor Smyth moved that the Board authorize the County Executive to sign the Confidentiality Agreement submitted regarding the developer default on Williamsburg Commons, Plan Number 7758-SD-02. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

Supervisor Smyth moved that the Board reject the settlement offer submitted to the Board in the developer default on Williamsburg Commons, Plan number 7758-SD-02, and make a counteroffer, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

ADDITIONAL BOARD MATTERS

56. **PHASE 1 DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT** (3:03 p.m.)

(A) Chairman Connolly announced that a meeting had been held regarding the Phase 1 Dulles Rail Transportation Improvement District, District Commission.

Therefore, Supervisor Hudgins moved that pursuant to the written request of the Phase 1 Rail Transportation Improvement District Commission made today, the Board authorize the advertisement of a public hearing to be held on June 21, 2004, on the question of whether to levy and collect an initial annual special improvements tax at a rate of up to 22 cents per \$100 of assessed value on taxable real estate zoned for commercial or industrial use or used for such purposes and taxable leasehold interests in the District. Such tax levy will be effective as of July 1, 2004. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

57. **SOLID WASTE MANAGEMENT PROGRAM TASK FORCE** (3:04 p.m.)

(BACs) (NOTE: Earlier in the meeting, the Board made appointments to the Solid Waste Task Force. See page 6.)

Supervisor Hudgins noted that this morning the Board made appointments to the Solid Waste Management Program Task Force and that there was still a vacancy.

Therefore, Supervisor Hudgins moved the appointment of Ms. Joanne McCoy to fill the vacancy. Supervisor McConnell seconded the motion.

Following discussion, Supervisor Hudgins temporarily withdrew her motion until outstanding issues are resolved.

(NOTE: Later in the meeting, additional action was taken regarding this appointment. See Clerk's Summary Item CL#73.)

AGENDA ITEMS

58. **3 P.M. - BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2003-PR-026 (SAFEWAY, INCORPORATED) (PROVIDENCE DISTRICT) (3:05 p.m.)**

(NOTE: At its April 26, 2004, meeting the Board held a public hearing on this item and deferred decision until May 24, 2004.)

The application property is located at 9121 Lee Highway, Tax Map 48-4 ((1)) 12F pt.

Supervisor Smyth moved approval of Special Exception Application SE 2003-PR-026, subject to the development conditions dated May 24, 2004. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

59. **3 P.M. - BOARD DECISION ON REZONING APPLICATION RZ 2003-MV-051 (VIRGINIA BUILDERS GROUP) (MOUNT VERNON DISTRICT) (3:06 p.m.)**

- (O) (NOTE: At its April 26, 2004, meeting the Board held a public hearing on this item and deferred decision until May 10, 2004. At its May 10, 2004, the Board deferred decision until May 24, 2004.)

The application property is located on the west side of Gambrill Road and 100 feet south of Gambrill Lane, Tax Map 98-1 ((1)) 37.

Supervisor Hyland moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MV-051, from the R-1 District to the R-3 District, subject to the proffers dated February 16, 2004. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor Frey being absent.

60. **3 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-019
(CAMPBELL AND FERRARA NURSERIES, INCORPORATED) (MASON
DISTRICT)** (3:07 p.m.)

(NOTE: At its May 10, 2004, meeting the Board deferred the public hearing on this item until May 24, 2004.)

The application property is located at 6651 Little River Turnpike, Tax Map 71-2 ((1)) 36 and 71-2 ((10)) 17A.

Mr. Stephen Fox reaffirmed the validity of the affidavit for the record.

Mr. Fox had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2002-MA-019, subject to the development conditions dated March 25, 2004, with the hours of operation in condition 20 revised to 7 a.m. - 6 p.m., January through March, and 7 a.m. - 8 p.m., April through December.
- Modification of the transitional screening and barrier requirement on the northern boundary and portions of the eastern and western boundaries to that shown on the SE Plat, and as conditioned.
- Modification of Additional Standard 5 to allow buildings to be located closer than 100 feet from an abutting residential district.
- Modification of Additional Standard 9 to allow a reduction in parking to that shown on the SE Plat.

Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

61. **3 P.M. - PH ON REZONING APPLICATION RZ 2003-SU-057
(CONTINENTAL-PACKAGING ASSOCIATES, LP AND CAFFERTY
LAFAYETTE LC) (SULLY DISTRICT)** (3:12 p.m.)

(O) (NOTE: At its May 10, 2004, meeting the Board deferred the public hearing on this item until May 24, 2004.)

The application property is located in the southwest quadrant of Lafayette Center Drive and Pleasant Valley Road, Tax Map 33-2 ((4)) 6 and 9.

Mr. John B. Connor reaffirmed the validity of the affidavit for the record.

Mr. Connor filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Gross disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Thomas D. Cafferty

Following the public hearing, Kristen Shields, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman, on behalf of Supervisor Frey, moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SU-057, from the I-3 and WS Districts to the I-4 and WS Districts, subject to the proffers dated March 23, 2004.
- Modification of the transitional screening and barrier requirements on the western and southern property lines to that shown on the Generalized Development Plan.

Supervisor McConnell seconded the motion and it carried by a vote of eight. Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor Frey being absent.

62. **3 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 2003-PR-038 (ROBERT J. ETRIS, CITY OF FALLS CHURCH, DEPARTMENT OF ENVIRONMENTAL SERVICES) (PROVIDENCE DISTRICT)** (3:16 p.m.)

(NOTE: At its May 10, 2004, meeting the Board deferred the public hearing on this item until May 24, 2004.)

The application property is located at 1851 Dolley Madison Boulevard, Tax Map 29-4 ((1))34A.

Mr. Robert J. Etris reaffirmed the validity of the affidavit for the record.

Mr. Etris had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Special Exception Application SE 2003-PR-038, subject to the development conditions dated March 25, 2004. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Hyland and Supervisor Kauffman being out of the room, Supervisor DuBois and Supervisor Frey being absent.

On April 7, 2004, the Planning Commission approved Public Facilities Application 2232-P04-1.

63. **3 P.M. - PH ON REZONING APPLICATION RZ 2003-MA-052 (THE TRUSTEES FOR IMMANUEL BIBLE CHURCH BEING RALPH WEITZ, JOEL BENSON, AND ALAN FISCHER) (MASON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88 L-071 (THE TRUSTEES FOR IMMANUEL BIBLE CHURCH BEING RALPH WEITZ, JOEL BENSON, AND ALAN FISCHER) (MASON DISTRICT) (3:21 p.m.)

- (O) (NOTE: At its May 10, 2004, meeting the Board deferred the public hearing on this item until May 24, 2004.)

The application property is located in the southeast quadrant of the intersection of Backlick Road and Braddock Road, Tax Map 71-4 ((1)) 35, 36A, and 71-4 ((2)) B, 1, 2, 2A, 3, and 3A.

Mr. Benjamin F. Tompkins reaffirmed the validity of the affidavit for the record.

Mr. Tompkins had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Kris Abrahamson, Branch Chief, Rezoning/Special Exception Evaluation Branches, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MA-052, from the R-2 District to the R-3 District, subject to the proffers dated April 20, 2004.
- Approval of Special Exception Amendment Application SEA 88-L-071, subject to the development conditions dated May 24, 2004.

This motion, the second to which was inaudible, carried by a vote of six, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland and Supervisor Kauffman being out of the room, Supervisor DuBois and Supervisor Frey being absent.

Supervisor Gross further moved:

- Modification of the transitional screening requirements along the eastern and western property boundaries and waiver of the barrier requirements along the eastern, southern, and western property boundaries in favor of that depicted on the GDP/SE Plat, and as conditioned.
- Modification of the peripheral parking lot landscaping requirements along a portion of the northern property lot boundary, as depicted on the GDP/SE Plat, until such time as the Braddock Road and Backlick Road improvements are constructed.
- Modification of the Trail Plan requirements along Braddock and Backlick Roads in favor of the existing sidewalks.

Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Hyland and Supervisor Kauffman being out of the room, Supervisor DuBois and Supervisor Frey being absent.

PW:pw

64. **3:30 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON HOLLOMAN ROAD AND KENNEDY LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)** (3:31 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 6 and May 13, 2004.

Following the public hearing, which included testimony by three speakers, Supervisor Gross moved adoption of the Resolution endorsing the following roads to be included in the R-TAP for through truck traffic restrictions:

- Holloman Road between Annandale Road and Kennedy Lane
- Kennedy Lane between Holloman Road and Sleepy Hollow Road

Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland and Supervisor Kauffman being out of the room, Supervisor DuBois and Supervisor Frey being absent.

65. **3:30 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON SHREVE ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (PROVIDENCE DISTRICT)** (3:36 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 6 and May 13, 2004.

A brief discussion ensued with input from Douglas Hansen, Department of Transportation, regarding the history of this application.

Supervisor Smyth stated that she had a number of items for the record.

Following the public hearing, which included testimony by eight speakers, Supervisor Smyth moved adoption of the Resolution endorsing Shreve Road between US Route 29 (Lee Highway) and Gordons Road to be included in the R-TAP for through truck traffic restrictions. Chairman Connolly and Supervisor Gross jointly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE,"

Supervisor Hyland being out of the room, Supervisor DuBois and Supervisor Frey being absent.

66. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-PR-038 (CLOVER TYSONS LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT) AND**

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-D-045-4 (GREENSBORO CENTER LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT) AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-D-038-4 (GREENSBORO CENTER LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT) (3:55 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2002-PR-038, Proffered Condition Amendment Application PCA 81-D-045-4, and Special Exception Amendment Application SEA 82-D-038-4 until **June 21, 2004, at 4 p.m.** Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Hyland being out of the room, Supervisor DuBois and Supervisor Frey being absent.

67. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), CHAPTER 101 (SUBDIVISION PROVISIONS), AND THE PUBLIC FACILITIES MANUAL (PFM), REGARDING CLUSTER SUBDIVISIONS (3:56 p.m.)**

Supervisor Gross moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Chapter 101 (Subdivision Provisions), and the PFM regarding Cluster Subdivisions until **June 7, 2004, at 3:30 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Hyland being out of the room, Supervisor DuBois and Supervisor Frey being absent.

ADDITIONAL BOARD MATTER

68. **INVITATION FROM THE SCHOOL BOARD TO THE BOARD OF SUPERVISORS TO MEET THE PROPOSED NEW SUPERINTENDENT OF EDUCATION, JACK DALE (3:57 p.m.)**

Chairman Connolly announced that the School Board had invited interested members of the Board to meet the proposed new Superintendent of Education, Jack Dale, on May 25, 2004, at the school offices located at the Burkholder Center.

AGENDA ITEMS

69. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-036 (ROUBIN ASSOCIATES, LLC AND MARY ANNE PEARSON SANKO REVOCABLE TRUST) (MOUNT VERNON DISTRICT)** (4 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2003-MV-036 until **June 21, 2004, at 3 p.m.** This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Smyth being out of the room, Supervisor DuBois and Supervisor Frey being absent.

70. **4 P.M. – PH ON OBTAINING CITIZEN INPUT TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 13 (AUXILIARY POLICE FORCE)** (4:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 11 and May 18, 2004.

A brief discussion ensued with input from Anthony H. Griffin, County Executive, regarding the staff recommendation.

Following the public hearing, Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 13 (Auxiliary Police Force). Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly voting "AYE," Supervisor Hyland and Supervisor Smyth, being out of the room, Supervisor DuBois and Supervisor Frey being absent.

71. **BOARD RECESS** (4:06 p.m.)

At 4:06 p.m., the Board recessed briefly, and, at 4:38 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, Supervisor DuBois, and Supervisor Frey, and with Chairman Connolly presiding.

72. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), SECTION 4-25-1, TO IMPOSE A FEE FOR EMERGENCY MEDICAL SERVICE (EMS) TRANSPORT** (4:38 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 6 and May 13, 2004.

Michael P. Neuhard, Chief, Fire and Rescue Department, presented the staff report and discussion ensued.

Chairman Connolly stated that he had a letter from the McLean Citizens Association in opposition for the record.

Supervisor Bulova indicated that she had several items in support and opposition for the record.

Following the public hearing, which included testimony by 12 speakers, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-25-1, establishing a fee schedule for Emergency Medical Service transports provided by vehicles operated or maintained by Fairfax County or permitted to Fairfax County and amending the advertised ordinance to extend the effective date of the ordinance from January 1, 2005, to April 1, 2005. The ordinance adds Section 25-1 to the Code of the County of Fairfax, Chapter 4, to impose fees of \$300 for Basic Life Support (BLS) transports, \$400 for Advanced Life Support level 1 (ALS1) transports, \$550 for Advanced Life Support level 2 (ALS2) transports, plus an additional fee for patient miles traveled of \$7.50 for loaded miles traveled for ground transport mileage. Supervisor Hyland seconded the motion.

Supervisor McConnell moved to amend the motion to include a provision that the program be evaluated one year after implementation, and this was accepted.

Discussion ensued with input from Chief Neuhard regarding the proposed education program.

Supervisor Hudgins asked to amend the motion to include a four year sunset provision to the ordinance. Following discussion, she withdrew this amendment.

Following further discussion, the question was called on the motion, as amended (by Supervisor McConnell), and it carried by a vote of eight, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor Frey being absent.

ADDITIONAL BOARD MATTER**73. ADDITIONAL APPOINTMENTS TO THE SOLID WASTE MANAGEMENT PROGRAM TASK FORCE (6:09 p.m.)**

(APPTS)
(BACs)

(NOTE: Earlier in the meeting, the Board made appointments to this task force. See page 6 and Clerk's Summary Item CL# 57.)

Supervisor Hudgins moved the appointment of Ms. Joanne McCoy to the Solid Waste Management Program Task Force. Supervisor McConnell seconded the motion.

Following discussion, Supervisor Hudgins amended her motion to increase the size of the task force from 15 to 16 members, and this was accepted.

Following discussion, Supervisor Gross asked to amend the motion to designate the additional seat for Ms. McCoy as the Small Solid Waste Collection Company #2 Representative, and this was accepted.

The question was called on the motion, as amended, which carried by unanimous vote.

Supervisor Bulova moved the appointment of Mr. Paul Liberty as the Subscription Customer Representative to the Solid Waste Management Program Task Force.

Supervisor Gross clarified that Ms. Robyn Smyers, who was appointed earlier in the meeting, would serve as the Contract Customer Representative, thereby making available the seat for the Subscription Customer Representative.

Supervisor Kauffman seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

Supervisor McConnell moved the appointment of Mr. John Townes as the Community #3 Representative to the Solid Waste Management Program Task Force. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being absent.

74. BOARD ADJOURNMENT (6:15 p.m.)

At 6:15 p.m., the Board adjourned.

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